

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1333

S.P. 495

In Senate, March 28, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

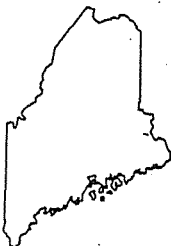
Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Representative CLARK of Brunswick, Representative FARNSWORTH of
Hallowell and Representative RICHARDS of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Include Radiology in the Medical Liability Demonstration
Project.**

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, Public Law 1989, chapter 931 establishes a medical
6 liability demonstration project which is to begin by January 1,
1992; and

8 Whereas, the purpose of this legislation is to add the
10 medical specialty of radiology to the medical liability
demonstration project; and

12 Whereas, in order to include radiology in the medical
14 liability demonstration project beginning January 1, 1992, it is
necessary to begin the process of developing practice parameters
16 and protocols for radiology immediately; and

18 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
20 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
22 safety; now, therefore,

24 **Be it enacted by the People of the State of Maine as follows:**

26 **Sec. 1. 5 MRSA §12004-I, sub-§58-D is enacted to read:**

28	<u>58-D. Medi-</u>	<u>Medical</u>	<u>Expenses</u>	<u>24 MRSA</u>
	<u>cine</u>	<u>Specialty</u>	<u>Only</u>	<u>§2972</u>
30		<u>Advisory</u>		
		<u>Committee</u>		
32		<u>on Radi-</u>		
		<u>ology</u>		

34 **Sec. 2. 24 MRSA §2972, sub-§1, as enacted by PL 1989, c. 931,**
36 **§4, is amended to read:**

38 **1. Medical specialty areas.** The Medical Specialty Advisory
40 Committee on Anesthesiology, in accordance with Title 5, section
12004-I, subsection 58-A; the Medical Specialty Advisory
42 Committee on Emergency Medicine, in accordance with Title 5,
section 12004-I, subsection 58-B; and the Medical Specialty
44 Advisory Committee on Obstetrics and Gynecology, in accordance
with Title 5, section 12004-I, subsection 58-C; and the Medical
46 Specialty Advisory Committee on Radiology, in accordance with
Title 5, section 12004-I, subsection 58-D are established and
48 shall develop practice parameters and risk management protocols
for their respective medical specialty areas.

50 **Sec. 3. 24 MRSA §2972, sub-§2, ¶D is enacted to read:**

2 D. The Medical Specialty Advisory Committee on Radiology
3 consists of members with an interest in and knowledge of the
4 specialty area. It consists of 6 members:

6 (1) One physician who practices in a tertiary
7 hospital, appointed by the Board of Registration in
8 Medicine;

10 (2) One physician who practices in a medium-sized
11 hospital, appointed by the Board of Registration in
12 Medicine;

14 (3) One physician who practices primarily in a rural
15 area, appointed by the Board of Registration in
16 Medicine;

18 (4) One board-certified radiologist, appointed by the
19 Governor in consultation with the Maine Radiological
20 Society; and

22 (5) Two public members:

24 (a) One representing the interests of payors of
25 medical costs, appointed by the President of the
26 Senate; and

28 (b) One representing the interests of consumers,
29 appointed by the Speaker of the House of
30 Representatives.

32 Sec. 4. 24 MRSA §2974, as enacted by PL 1989, c. 931, §4, is
33 amended to read:

34 **§2974. Report to Legislature**

36 By ~~March 1, 1991,~~ each Each medical specialty advisory
37 committee shall provide a report to the joint standing committee
38 of the Legislature having jurisdiction over judiciary matters and
39 the Office of the Executive Director of the Legislative Council
40 setting forth the parameters and protocols developed by that
41 medical specialty advisory committee and adopted by the Board of
42 Registration in Medicine and the Board of Osteopathic Examination
43 and Registration. The medical specialty advisory committees also
44 shall report the extent to which the risk management protocols
45 reduce the practice of defensive medicine.

48 The Medical Specialty Advisory Committee on Anesthesiology,
49 the Medical Specialty Advisory Committee on Emergency Medicine
50 and the Medical Specialty Advisory Committee on Obstetrics and
51 Gynecology shall provide this report by March 1, 1991. The
52 Medical Specialty Advisory Committee on Radiology shall provide
this report by September 1, 1991.

